

**EXHIBIT E**

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Brian Thrane,

Plaintiff,

v.

Metropolitan Transportation Authority  
and MTA Bus Company,

Defendants.

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Case No. 15 CV 7418 (FB)(LB)

 ORIGINAL

**DEFENDANTS' FIRST SUPPLEMENTAL INITIAL DISCLOSURES**

Pursuant to Federal Rule of Civil Procedure 26(e)(1) and the Order of Magistrate Judge Lois Bloom entered December 29, 2016, the defendants, Metropolitan Transportation Authority and MTA Bus Company (collectively, “defendants”), through their undersigned counsel, make the following First Supplemental Initial Disclosures presently known and reasonably available to the defendants and which defendants reasonably believe they may use in support of their claims and defenses. Continuing investigation and discovery may cause defendants to amend or further supplement the initial disclosures, including by identifying other potential witnesses, additional documents and by disclosing other pertinent information. Defendants reserve their right to supplement and amend the initial disclosures.

By providing these supplemental initial disclosures, defendants do not represent that they are identifying every document, tangible thing or witness possibly relevant to this action. In addition, these disclosures are made without defendants in any way waiving their right to object to any discovery request or proceeding involving or relating to the subject matter of these disclosures on any grounds, including competency, privilege, relevancy and materiality, hearsay, undue burden, confidentiality, or any other appropriate grounds. Furthermore, these disclosures are not an admission by defendants regarding any matter.

Each and every of the supplemental disclosures set forth below is subject to the above qualifications and limitations.

#### **Supplemental Disclosures - Description of Documents**

In addition to the records, documents and recordings set forth by the defendants in their initial disclosures made pursuant to Federal Rule of Civil Procedure 26(a)(1), inclusive of physical and electronically stored information, the defendants may use the following additional records, documents, and electronically stored information, inclusive of data compilations, that are in the possession, control and custody of the defendants, to support their claims and defenses:

- a. Documents and electronically stored information, inclusive of data compilations, produced by any party in this action that relates to the claims and allegations in this action, including:
  - (i) Records and information related to plaintiff's arbitrations, including awards and any related calculations, such as the copy of the complete arbitration award

dated July 6, 2016, awarding three-quarters pay as full restitution for the period June 9, 2015 through March 29, 2016, annexed hereto as **Exhibit A**;

- (ii) MTA Bus Company Payroll Department payment summaries, such as those summaries annexed hereto as **Exhibit B** (April 20, 2014 through April 20, 2015) and **Exhibit C** (April 20, 2015 through April 20, 2016);
  - (iii) Copies / images of check stubs / pay advices, including the copy of the pay advice dated August 17, 2016, annexed hereto as **Exhibit D**; and
  - (iv) Copies / images of checks payable to the plaintiff, including the front and back copy of the check dated August 17, 2016, annexed hereto as **Exhibit E**.
- b. Documents and electronically stored information, inclusive of data compilations, produced by any third party, or from any third party information, that relates to the claims and allegations in this action, including arbitration awards, decisions, agreements, union documents, and related records.

s/ Thomas J. Deas  
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing DEFENDANTS' FIRST SUPPLEMENTAL INITIAL DISCLOSURES and exhibits were electronically filed with the Clerk of the Court using the CM/ECF system that will automatically send email notifications of such filing to the following attorneys of record:

Walker G. Harman, Jr. ([wharman@thecharmanfirm.com](mailto:wharman@thecharmanfirm.com))  
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On this 6<sup>th</sup> day of January, 2017.

s/ Thomas J. Deas  
Thomas J. Deas (TD9226)